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OFFICE OF PETITIONS

In re Application of	:
Kundaje, et al.	:
Application No. 09/734,157	: DECISION ON APPLICATION
Filed: December 11, 2000	: FOR PATENT TERM ADJUSTMENT
Attorney Docket No. ATTW01-00015	:

This letter is in response to the "GOOD FAITH AND CANDOR LETTER REGARDING PATENT TERM ADJUSTMENT", filed December 28, 2005. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. §154(b) be reviewed for accuracy.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**. The determination of PTA at the time of the mailing of the Notice of Allowance is **five (5) days**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is **five (5) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 30, 2005, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. §154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is eight hundred forty-nine (849) days.

The Office initially determined a patent term adjustment of eight hundred forty-nine (849) days based on an adjustment for PTO delay of nine hundred forty-one (941) days, pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. §1.703(a)(1), reduced by four (4) days and ninety-two (92) days of applicant delay pursuant to 37 C.F.R. §1.704(b).

A review of the record reveals that Applicants should have been assessed an additional delay of eight hundred forty-three (843) days. A Notice to File Corrected Application Papers was mailed on February 1, 2001. Applicants failed to timely file a proper reply. Accordingly, the application became abandoned on April 2, 2001. A petition to revive was filed on July 10, 2003, and was granted in a decision mailed on July 24, 2003.

37 C.F.R. § 1.704(c)(3) states:

(c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(3) Abandonment of the application or late payment of the issue fee, in which case the period of adjustment set forth in §1.703 shall be reduced by the number of days, if any, beginning on the date of abandonment or the date after the date the issue fee was due and ending on the earlier of:

(i) The date of mailing of the decision reviving the application or accepting late payment of the issue fee; or

(ii) The date that is four months after the date the grantable petition to revive the application or accept late payment of the issue fee was filed;

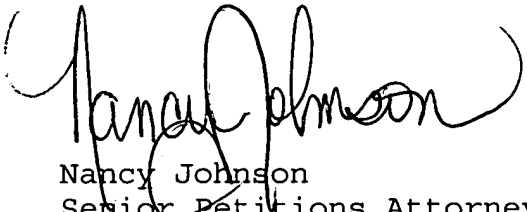
Therefore, Applicants should have been assessed delay for the period from April 2, 2001 (the date the application became abandoned) to July 24, 2003 (the date the decision reviving the application was mailed), or 844 days.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **five (5) days** (941 days of PTO delay, reduced by 936 (92+844) days of Applicant delay).

As the instant letter was submitted to advise the Office of an error in Applicant's favor, the \$200.00 application fee under 37 C.F.R. §1.705(b) was not required, and has not been charged. The Office thanks Applicants for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Day : Friday
Date: 3/17/2006

PALM INTRANET

Time: 11:34:55

PTA Calculations for Application: 09/734157

Application Filing Date:	12/11/2000	PTO Delay (PTO):	941
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	92
Post-Issue Petitions:	0	Total PTA (days):	5
PTO Delay Adjustment:	-844		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
53	03/17/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		844	
44	09/30/2005	MAIL NOTICE OF ALLOWANCE			
43	09/21/2005	ISSUE REVISION COMPLETED			
42	09/19/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
41	09/19/2005	NOTICE OF ALLOWABILITY			
40	09/12/2005	DATE FORWARDED TO EXAMINER			
39	09/01/2005	AMENDMENT AFTER FINAL REJECTION			
38	07/01/2005	MAIL FINAL REJECTION (PTOL - 326)			
37	06/24/2005	FINAL REJECTION			
36	06/20/2005	CASE DOCKETED TO EXAMINER IN GAU			
35	06/20/2005	CASE DOCKETED TO EXAMINER IN GAU			
34	04/23/2005	DATE FORWARDED TO EXAMINER			
33	03/11/2005	RESPONSE AFTER NON-FINAL ACTION		92	29
32	03/11/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	07/26/2004	REFERENCE CAPTURE ON IDS			
30	07/26/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	09/09/2004	MAIL NON-FINAL REJECTION	941		-1
28	09/07/2004	NON-FINAL REJECTION			
27	08/31/2004	CASE DOCKETED TO EXAMINER IN GAU			
26	06/03/2004	CASE DOCKETED TO EXAMINER IN GAU			
25	06/01/2004	CASE DOCKETED TO EXAMINER IN GAU			
24	03/30/2004	CASE DOCKETED TO EXAMINER IN GAU			
23	03/25/2004	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			

22	07/10/2003	MISCELLANEOUS INCOMING LETTER			
21	03/01/2004	CASE DOCKETED TO EXAMINER IN GAU			
20	02/24/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
19	01/29/2001	REFERENCE CAPTURE ON IDS			
18	01/29/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	02/24/2004	CORRESPONDENCE ADDRESS CHANGE			
16	02/20/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	08/13/2003	APPLICATION RETURN FROM OIPE			
14	08/14/2003	APPLICATION IS NOW COMPLETE			
13	08/13/2003	APPLICATION RETURN TO OIPE			
12	08/12/2003	APPLICATION DISPATCHED FROM OIPE			
11	08/13/2003	APPLICATION IS NOW COMPLETE			
10	07/10/2003	ADDITIONAL APPLICATION FILING FEES			
9	07/10/2003	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
8	08/07/2003	WITHDRAW PUBLICATION/PRE-EXAM ABANDON			
7	07/24/2003	PETITION TO REVIVE APPLICATION - GRANTED			
6	07/10/2003	PETITION ENTERED			
5	09/05/2001	ABANDONMENT -- DURING PREEXAM PROCESSING			
4	02/01/2001	CORRESPONDENCE ADDRESS CHANGE			
3	01/24/2001	CORRESPONDENCE ADDRESS CHANGE			
2	01/09/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/11/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

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